

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 05-20 Erie
)
DAVID C. GRAHAM)

**MOTION TO EXTEND THE TIME FOR THE
FILING OF PRETRIAL MOTIONS AND TO CONTINUE TRIAL DATE**

AND NOW, comes the defendant, DAVID C. GRAHAM, by his attorney, Thomas W. Patton, Assistant Federal Public Defender, and respectfully moves this Honorable Court for an Extension of Time to File Pretrial Motions and to Continue Trial Date, and in support thereof sets forth as follows:

1. The defendant, David C. Graham, has been charged in a two-count indictment with violations of Title 18, U.S.C. §§ 2252(a)(2) and 2252(a)(4)(B); receipt of and possession of material depicting the sexual exploitation of a minor and receipt of obscene material.

2. Pursuant to an Order of Court dated October 24, 2005, certain types of pretrial motions are due on January 23, 2006.

3. Mr. Graham is listed on the trial calendar for the term beginning January 23, 2006.

4. Additional time is needed to complete counsel's investigation of the facts and law before informed decisions can be made concerning the filing of pretrial motions. Specifically, the expert for the defense must coordinate his schedule with the FBI to

view the computer hard drive.

5. Accordingly, counsel requests an additional ninety (90) within which to file pretrial motions and requests that the case be rescheduled for the trial term beginning May 8, 2006.

WHEREFORE, defendant, David C. Graham, respectfully requests an extension of ninety (90) days to file pretrial motions and that the case be moved to the next available trial term.

Respectfully submitted,

/s/ Thomas W. Patton
Thomas W. Patton
Assistant Federal Public Defender
PA ID #88653